

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent and Trademark Office
Mail Stop Patent Application
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

DIVISIONAL PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. 1.53(b)

This is a request for filing a Divisional patent application under 37 C.F.R. 1.53(b).

1. This application is a Divisional Patent Application under 37 C.F.R. 1.53 of pending prior application No. 09/296,031 filed on April 21, 1999 of:

Inventors: 1. Harald W. Sontheimer, Birmingham, Alabama
2. Susan A. Lyons, Birmingham, Alabama

For: **Diagnosis and Treatment of Neuroectodermal Tumors**

Prior Application: 09/296,031
Examiner: Shin-Lin Chen
Group Art Unit: 1632

2. The papers enclosed are as follows:

A new divisional application:

53 Pages of specification including
48 Pages of description
04 Pages of claims
01 Abstract
15 Sheets of Drawings (Figures 1-15)

3. Oath or Declaration: A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
4. Relate Back (35 U.S.C. 120): Please see the attached Preliminary Amendment.
5. Assignment: The prior application is assigned of record to the UAB Research Foundation at Reel/Frame 011412/0154 on January 9, 2001.
6. Small Entity Status was claimed in the prior nonprovisional application and is still proper and desired.

7. Extension of Time in Parent Application No. 09/296,031: If an extension of time is necessary for the filing of this divisional application, including any extension in pending parent Application 09/296,031 for the purpose of maintaining copendency between the prior application and the present application, such an extension is hereby requested and the Commissioner is authorized to charge the necessary fees for such an extension to Deposit Account No. 50-0310.
8. Amendments: Prior to calculation of the application filing fee, please see the attached Preliminary Amendment canceling claims 2-14 without prejudice or disclaimer.
9. Fee Calculation (37 C.F.R. 1.16):

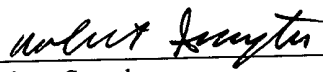
CLAIMS FOR FEE CALCULATION				
	Number Filed	Extra	at Rate of	Basic Fee \$770.00
Total Claims	1 – 20	0	\$ 18.00 each =	+\$00.00
Independent Claims	1 – 3	0	\$ 86.00 each =	+\$00.00
Multiple dependent claims			\$290.00	+\$00.00
Sub-total =				\$770.00
Reduction by ½ for filing by a small entity				-\$385.00
Total Filing Fee =				\$385.00

10. Fee Payment: **The application filing fee is not being paid by at this time.** This application is being filed under the provisions of 37 C.F.R. 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for paying the filing fee.
11. Additional Papers Filed:
(i) Preliminary Amendment
(ii) Notice Regarding Acceptance of Power of Attorney
(iii) Information Disclosure Statement
(iv) Form PTO-1449 (3 pages)
12. The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number. Please address all correspondence to Morgan, Lewis & Bockius LLP at Customer No. 009629.
13. **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Please accord this new U.S. Divisional Application a serial number and filing date.

Dated: **October 17, 2003**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted
Morgan, Lewis & Bockius LLP


Robert Smyth
Registration No. 50,801